

AMENDED IN SENATE JULY 7, 2015
AMENDED IN SENATE JUNE 25, 2015
AMENDED IN ASSEMBLY MAY 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1081

Introduced by Assembly Member Quirk

February 27, 2015

An act to amend Sections 527.6, 527.8, and 527.85 of the Code of Civil Procedure, to amend Sections 242, 243, and 245 of the Family Code, and to amend Sections 213.5 and 15657.03 of the Welfare and Institutions Code, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1081, as amended, Quirk. Protective orders.

(1) Existing law provides the procedure by which a temporary restraining order and an injunction prohibiting harassment or abuse may be sought by, or on behalf of, specified persons. Existing law requires the petitioner seeking the restraining order to personally serve the person against whom the temporary restraining order and injunction are sought, known as the respondent, with notice of hearing within 5 days of the hearing on the petition, as specified. If the petitioner files a declaration with the court that he or she could not serve the respondent within the time required, existing law authorizes the court to reissue an order that was dissolved by the court for failure to serve the respondent. Existing law provides that a reissued order will remain in effect until the date of the hearing, and requires that the reissued order state the date that the order expires.

This bill would permit either party to request a continuance of the hearing, as specified, which the court would be required to grant on a showing of good cause. The bill would permit the request to be made in writing before or at the hearing or orally at the hearing, and would additionally authorize the court to grant a continuance on its own motion. If the court grants a continuance, the bill would require that any temporary restraining order that had previously been granted remain in effect until the conclusion of the continued hearing, and would authorize the court to modify or terminate any temporary restraining order.

(2) Existing law provides that a person who has suffered harassment, defined as unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose, may seek a temporary restraining order and an injunction prohibiting harassment. If issued, the injunction would be in effect for a period of up to 5 years and may be renewed for another period of up to 5 years. Under existing law, however, the notice of the hearing must notify the respondent that, if he or she does not attend the hearing on the petition, the court may make orders against him or her that could last up to 3 years.

This bill would modify the requirements for the notice to a respondent so that the respondent is warned that, if he or she does not attend the hearing, the court may make orders against him or her that could last up to 5 years.

(3) In a matter in which a temporary restraining order or ~~injunction order after hearing~~ prohibiting harassment or abuse is sought under specified provisions of the Uniform Interstate Family Support Act, existing law provides that a respondent is entitled, as a matter of course, to one continuance for a reasonable period, to respond to the petition.

This bill would, in a matter in which a civil harassment, workplace violence, or elder or dependent adult abuse temporary restraining order or ~~injunction order after hearing~~ prohibiting harassment or abuse is sought, provide that the respondent would be entitled, as a matter of course, to one continuance for a reasonable period, to respond to the petition.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 527.6 of the Code of Civil Procedure is amended to read:

527.6. (a) (1) A person who has suffered harassment as defined in subdivision (b) may seek a temporary restraining order and an ~~injunction~~ *order after hearing* prohibiting harassment as provided in this section.

(2) A minor, under 12 years of age, accompanied by a duly appointed and acting guardian ad litem, shall be permitted to appear in court without counsel for the limited purpose of requesting or opposing a request for a temporary restraining order or ~~injunction~~, *order after hearing*, or both, under this section as provided in Section 374.

(b) For purposes of this section:

(1) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, facsimile, or computer email. Constitutionally protected activity is not included within the meaning of "course of conduct."

(2) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.

(3) "Harassment" is unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner.

(4) "Petitioner" means the person to be protected by the temporary restraining order and ~~injunction~~ *order after hearing* and, if the court grants the petition, the protected person.

(5) "Respondent" means the person against whom the temporary restraining order and ~~injunction~~ *order after hearing* are sought and, if the petition is granted, the restrained person.

(6) “Temporary restraining order” and ~~“injunction”~~ “*order after hearing*” mean orders that include any of the following restraining orders, whether issued ex parte or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of, the petitioner.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(7) “Unlawful violence” is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

(c) In the discretion of the court, on a showing of good cause, a temporary restraining order or ~~injunction~~ *order after hearing* issued under this section may include other named family or household members.

(d) Upon filing a petition for ~~an injunction~~ *orders* under this section, the petitioner may obtain a temporary restraining order in accordance with Section 527, except to the extent this section provides a rule that is inconsistent. The temporary restraining order may include any of the restraining orders described in paragraph (6) of subdivision (b). A temporary restraining order may be issued with or without notice, based on a declaration that, to the satisfaction of the court, shows reasonable proof of harassment of the petitioner by the respondent, and that great or irreparable harm would result to the petitioner.

(e) A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(f) A temporary restraining order issued under this section shall remain in effect, at the court’s discretion, for a period not to exceed 21 days, or, if the court extends the time for hearing under

1 subdivision (g), not to exceed 25 days, unless otherwise modified
2 or terminated by the court.

3 (g) Within 21 days, or, if good cause appears to the court, 25
4 days from the date that a petition for a temporary order is granted
5 or denied, a hearing shall be held on the ~~petition for the injunction.~~
6 *petition*. If no request for temporary orders is made, the hearing
7 shall be held within 21 days, or, if good cause appears to the court,
8 25 days, from the date that the petition is filed.

9 (h) The respondent may file a response that explains, excuses,
10 justifies, or denies the alleged harassment or may file a
11 cross-petition under this section.

12 (i) At the hearing, the judge shall receive any testimony that is
13 relevant, and may make an independent inquiry. If the judge finds
14 by clear and convincing evidence that unlawful harassment exists,
15 an ~~injunction order~~ shall issue prohibiting the harassment.

16 (j) (1) In the discretion of the court, an order issued after notice
17 and hearing under this section may have a duration of not more
18 than five years, subject to termination or modification by further
19 order of the court either on written stipulation filed with the court
20 or on the motion of a party. The order may be renewed, upon the
21 request of a party, for a duration of not more than five additional
22 years, without a showing of any further harassment since the
23 issuance of the original order, subject to termination or
24 modification by further order of the court either on written
25 stipulation filed with the court or on the motion of a party. A
26 request for renewal may be brought at any time within the three
27 months before the expiration of the order.

28 (2) The failure to state the expiration date on the face of the
29 form creates an order with a duration of three years from the date
30 of issuance.

31 (3) If an action is filed for the purpose of terminating or
32 modifying a protective order prior to the expiration date specified
33 in the order by a party other than the protected party, the party
34 who is protected by the order shall be given notice, pursuant to
35 subdivision (b) of Section 1005, of the proceeding by personal
36 service or, if the protected party has satisfied the requirements of
37 Chapter 3.1 (commencing with Section 6205) of Division 7 of
38 Title 1 of the Government Code, by service on the Secretary of
39 State. If the party who is protected by the order cannot be notified
40 prior to the hearing for modification or termination of the protective

1 order, the court shall deny the motion to modify or terminate the
2 order without prejudice or continue the hearing until the party who
3 is protected can be properly noticed and may, upon a showing of
4 good cause, specify another method for service of process that is
5 reasonably designed to afford actual notice to the protected party.
6 The protected party may waive his or her right to notice if he or
7 she is physically present in court and does not challenge the
8 sufficiency of the notice.

9 (k) This section does not preclude either party from
10 representation by private counsel or from appearing on the party's
11 own behalf.

12 (l) In a proceeding under this section, if there are allegations of
13 unlawful violence or credible threats of violence, a support person
14 may accompany a party in court and, if the party is not represented
15 by an attorney, may sit with the party at the table that is generally
16 reserved for the party and the party's attorney. The support person
17 is present to provide moral and emotional support for a person
18 who alleges he or she is a victim of violence. The support person
19 is not present as a legal adviser and may not provide legal advice.
20 The support person may assist the person who alleges he or she is
21 a victim of violence in feeling more confident that he or she will
22 not be injured or threatened by the other party during the
23 proceedings if the person who alleges he or she is a victim of
24 violence and the other party are required to be present in close
25 proximity. This subdivision does not preclude the court from
26 exercising its discretion to remove the support person from the
27 courtroom if the court believes the support person is prompting,
28 swaying, or influencing the party assisted by the support person.

29 (m) Upon the filing of a petition ~~for an injunction~~ under this
30 section, the respondent shall be personally served with a copy of
31 the petition, temporary restraining order, if any, and notice of
32 hearing of the petition. Service shall be made at least five days
33 before the hearing. The court may for good cause, on motion of
34 the petitioner or on its own motion, shorten the time for service
35 on the respondent.

36 (n) A notice of hearing under this section shall notify the
37 respondent that if he or she does not attend the hearing, the court
38 may make orders against him or her that could last up to five years.

39 (o) The respondent shall be entitled, as a matter of course, to
40 one continuance, for a reasonable period, to respond to the petition.

1 (p) (1) Either party may request a continuance of the hearing,
2 which the court shall grant on a showing of good cause. The request
3 may be made in writing before or at the hearing or orally at the
4 hearing. The court may also grant a continuance on its own motion.

5 (2) If the court grants a continuance, any temporary restraining
6 order that has been granted shall remain in effect until the end of
7 the continued hearing, unless otherwise ordered by the court. In
8 granting a continuance, the court may modify or terminate a
9 temporary restraining order.

10 (q) (1) If a respondent, named in a restraining order issued after
11 a hearing, has not been served personally with the order but has
12 received actual notice of the existence and substance of the order
13 through personal appearance in court to hear the terms of the order
14 from the court, no additional proof of service is required for
15 enforcement of the order.

16 (2) If the respondent named in a temporary restraining order is
17 personally served with the order and notice of hearing with respect
18 to a restraining order or protective order based on the temporary
19 restraining order, but the respondent does not appear at the hearing,
20 either personally or by an attorney, and the terms and conditions
21 of the restraining order or protective order issued at the hearing
22 are identical to the temporary restraining order, except for the
23 duration of the order, then the restraining order or protective order
24 issued at the hearing may be served on the respondent by first-class
25 mail sent to the respondent at the most current address for the
26 respondent available to the court.

27 (3) The Judicial Council form for temporary orders issued
28 pursuant to this subdivision shall contain a statement in
29 substantially the following form:
30

31 “If you have been personally served with this temporary
32 restraining order and notice of hearing, but you do not appear at
33 the hearing either in person or by a lawyer, and a restraining order
34 that is the same as this temporary restraining order except for the
35 expiration date is issued at the hearing, a copy of the restraining
36 order will be served on you by mail at the following address: ____.

37 If that address is not correct or you wish to verify that the
38 temporary restraining order was converted to a restraining order
39 at the hearing without substantive change and to find out the
40 duration of that order, contact the clerk of the court.”

1
2 (r) (1) Information on a temporary restraining order or
3 ~~injunction~~ *order after hearing* relating to civil harassment issued
4 by a court pursuant to this section shall be transmitted to the
5 Department of Justice in accordance with either paragraph (2) or
6 (3).

7 (2) The court shall order the petitioner or the attorney for the
8 petitioner to deliver a copy of an order issued under this section,
9 or reissuance, extension, modification, or termination of the order,
10 and any subsequent proof of service, by the close of the business
11 day on which the order, reissuance, extension, modification, or
12 termination was made, to a law enforcement agency having
13 jurisdiction over the residence of the petitioner and to any
14 additional law enforcement agencies within the court's discretion
15 as are requested by the petitioner.

16 (3) Alternatively, the court or its designee shall transmit, within
17 one business day, to law enforcement personnel all information
18 required under subdivision (b) of Section 6380 of the Family Code
19 regarding any order issued under this section, or a reissuance,
20 extension, modification, or termination of the order, and any
21 subsequent proof of service, by either one of the following
22 methods:

23 (A) Transmitting a physical copy of the order or proof of service
24 to a local law enforcement agency authorized by the Department
25 of Justice to enter orders into the California Law Enforcement
26 Telecommunications System (CLETS).

27 (B) With the approval of the Department of Justice, entering
28 the order or proof of service into CLETS directly.

29 (4) Each appropriate law enforcement agency shall make
30 available information as to the existence and current status of these
31 orders to law enforcement officers responding to the scene of
32 reported harassment.

33 (5) An order issued under this section shall, on request of the
34 petitioner, be served on the respondent, whether or not the
35 respondent has been taken into custody, by any law enforcement
36 officer who is present at the scene of reported harassment involving
37 the parties to the proceeding. The petitioner shall provide the
38 officer with an endorsed copy of the order and a proof of service
39 that the officer shall complete and send to the issuing court.

1 (6) Upon receiving information at the scene of an incident of
2 harassment that a protective order has been issued under this
3 section, or that a person who has been taken into custody is the
4 subject of an order, if the protected person cannot produce a
5 certified copy of the order, a law enforcement officer shall
6 immediately attempt to verify the existence of the order.

7 (7) If the law enforcement officer determines that a protective
8 order has been issued but not served, the officer shall immediately
9 notify the respondent of the terms of the order and shall at that
10 time also enforce the order. Verbal notice of the terms of the order
11 shall constitute service of the order and is sufficient notice for the
12 purposes of this section and for the purposes of Section 29825 of
13 the Penal Code.

14 (s) The prevailing party in any action brought under this section
15 may be awarded court costs and attorney's fees, if any.

16 (t) Any willful disobedience of any temporary restraining order
17 or ~~injunction~~ *order after hearing* granted under this section is
18 punishable pursuant to Section 273.6 of the Penal Code.

19 (u) (1) A person subject to a protective order issued under this
20 section shall not own, possess, purchase, receive, or attempt to
21 purchase or receive a firearm or ammunition while the protective
22 order is in effect.

23 (2) The court shall order a person subject to a protective order
24 issued under this section to relinquish any firearms he or she owns
25 or possesses pursuant to Section 527.9.

26 (3) Every person who owns, possesses, purchases, or receives,
27 or attempts to purchase or receive, a firearm or ammunition while
28 the protective order is in effect is punishable pursuant to Section
29 29825 of the Penal Code.

30 (v) This section does not apply to any action or proceeding
31 covered by Title 1.6C (commencing with Section 1788) of Part 4
32 of Division 3 of the Civil Code or by Division 10 (commencing
33 with Section 6200) of the Family Code. This section does not
34 preclude a petitioner from using other existing civil remedies.

35 (w) (1) The Judicial Council shall develop forms, instructions,
36 and rules relating to matters governed by this section. The petition
37 and response forms shall be simple and concise, and their use by
38 parties in actions brought pursuant to this section shall be
39 mandatory.

(2) A temporary restraining order or ~~injunction order after~~ *hearing* relating to civil harassment issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(x) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against the petitioner, or stalked the petitioner, or acted or spoken in any other manner that has placed the petitioner in reasonable fear of violence, and that seeks a protective or restraining order or ~~injunction~~ restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. No fee shall be paid for a subpoena filed in connection with a petition alleging these acts. No fee shall be paid for filing a response to a petition alleging these acts.

(y) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall be no fee for the service of process by a sheriff or marshal of a protective ~~order, restraining order, or injunction~~ or *restraining order* to be issued, if either of the following conditions applies:

(A) The protective ~~order, restraining order, or injunction~~ or *restraining order* issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The protective ~~order, restraining order, or injunction~~ or *restraining order* issued pursuant to this section is based upon unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

SEC. 2. Section 527.8 of the Code of Civil Procedure is amended to read:

527.8. (a) Any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an ~~injunction order after hearing~~ on behalf of the employee and, at the discretion of the court, any number of

1 other employees at the workplace, and, if appropriate, other
2 employees at other workplaces of the employer.

3 (b) For purposes of this section:

4 (1) “Course of conduct” is a pattern of conduct composed of a
5 series of acts over a period of time, however short, evidencing a
6 continuity of purpose, including following or stalking an employee
7 to or from the place of work; entering the workplace; following
8 an employee during hours of employment; making telephone calls
9 to an employee; or sending correspondence to an employee by any
10 means, including, but not limited to, the use of the public or private
11 mails, interoffice mail, facsimile, or computer email.

12 (2) “Credible threat of violence” is a knowing and willful
13 statement or course of conduct that would place a reasonable person
14 in fear for his or her safety, or the safety of his or her immediate
15 family, and that serves no legitimate purpose.

16 (3) “Employer” and “employee” mean persons defined in
17 Section 350 of the Labor Code. “Employer” also includes a federal
18 agency, the state, a state agency, a city, county, or district, and a
19 private, public, or quasi-public corporation, or any public agency
20 thereof or therein. “Employee” also includes the members of boards
21 of directors of private, public, and quasi-public corporations and
22 elected and appointed public officers. For purposes of this section
23 only, “employee” also includes a volunteer or independent
24 contractor who performs services for the employer at the
25 employer’s worksite.

26 (4) “Petitioner” means the employer that petitions under
27 subdivision (a) for a temporary restraining order and ~~injunction~~
28 *order after hearing*.

29 (5) “Respondent” means the person against whom the temporary
30 restraining order and ~~injunction~~ *order after hearing* are sought
31 and, if the petition is granted, the restrained person.

32 (6) “Temporary restraining order” and ~~“injunction”~~ “*order after*
33 *hearing*” mean orders that include any of the following restraining
34 orders, whether issued ex parte or after notice and hearing:

35 (A) An order enjoining a party from harassing, intimidating,
36 molesting, attacking, striking, stalking, threatening, sexually
37 assaulting, battering, abusing, telephoning, including, but not
38 limited to, making annoying telephone calls as described in Section
39 653m of the Penal Code, destroying personal property, contacting,

1 either directly or indirectly, by mail or otherwise, or coming within
2 a specified distance of, or disturbing the peace of, the employee.

3 (B) An order enjoining a party from specified behavior that the
4 court determines is necessary to effectuate orders described in
5 subparagraph (A).

6 (7) “Unlawful violence” is any assault or battery, or stalking as
7 prohibited in Section 646.9 of the Penal Code, but shall not include
8 lawful acts of self-defense or defense of others.

9 (c) This section does not permit a court to issue a temporary
10 restraining order or ~~injunction order after hearing~~ prohibiting
11 speech or other activities that are constitutionally protected, or
12 otherwise protected by Section 527.3 or any other provision of
13 law.

14 (d) In the discretion of the court, on a showing of good cause,
15 a temporary restraining order or ~~injunction order after hearing~~
16 issued under this section may include other named family or
17 household members, or other persons employed at the employee’s
18 workplace or workplaces.

19 (e) Upon filing a petition ~~for an injunction~~ under this section,
20 the petitioner may obtain a temporary restraining order in
21 accordance with subdivision (a) of Section 527, if the petitioner
22 also files a declaration that, to the satisfaction of the court, shows
23 reasonable proof that an employee has suffered unlawful violence
24 or a credible threat of violence by the respondent, and that great
25 or irreparable harm would result to an employee. The temporary
26 restraining order may include any of the protective orders described
27 in paragraph (6) of subdivision (b).

28 (f) A request for the issuance of a temporary restraining order
29 without notice under this section shall be granted or denied on the
30 same day that the petition is submitted to the court, unless the
31 petition is filed too late in the day to permit effective review, in
32 which case the order shall be granted or denied on the next day of
33 judicial business in sufficient time for the order to be filed that day
34 with the clerk of the court.

35 (g) A temporary restraining order granted under this section
36 shall remain in effect, at the court’s discretion, for a period not to
37 exceed 21 days, or if the court extends the time for hearing under
38 subdivision (h), not to exceed 25 days, unless otherwise modified
39 or terminated by the court.

1 (h) Within 21 days, or if good cause appears to the court, 25
2 days from the date that a petition for a temporary order is granted
3 or denied, a hearing shall be held on the ~~petition for the injunction.~~
4 *petition*. If no request for temporary orders is made, the hearing
5 shall be held within 21 days, or, if good cause appears to the court,
6 25 days, from the date that the petition is filed.

7 (i) The respondent may file a response that explains, excuses,
8 justifies, or denies the alleged unlawful violence or credible threats
9 of violence.

10 (j) At the hearing, the judge shall receive any testimony that is
11 relevant and may make an independent inquiry. Moreover, if the
12 respondent is a current employee of the entity requesting the
13 ~~injunction order~~, the judge shall receive evidence concerning the
14 employer's decision to retain, terminate, or otherwise discipline
15 the respondent. If the judge finds by clear and convincing evidence
16 that the respondent engaged in unlawful violence or made a
17 credible threat of violence, an ~~injunction order~~ shall issue
18 prohibiting further unlawful violence or threats of violence.

19 (k) (1) In the discretion of the court, an order issued after notice
20 and hearing under this section may have a duration of not more
21 than three years, subject to termination or modification by further
22 order of the court either on written stipulation filed with the court
23 or on the motion of a party. These orders may be renewed, upon
24 the request of a party, for a duration of not more than three years,
25 without a showing of any further violence or threats of violence
26 since the issuance of the original order, subject to termination or
27 modification by further order of the court either on written
28 stipulation filed with the court or on the motion of a party. The
29 request for renewal may be brought at any time within the three
30 months before the expiration of the order.

31 (2) The failure to state the expiration date on the face of the
32 form creates an order with a duration of three years from the date
33 of issuance.

34 (3) If an action is filed for the purpose of terminating or
35 modifying a protective order prior to the expiration date specified
36 in the order by a party other than the protected party, the party
37 who is protected by the order shall be given notice, pursuant to
38 subdivision (b) of Section 1005, of the proceeding by personal
39 service or, if the protected party has satisfied the requirements of
40 Chapter 3.1 (commencing with Section 6205) of Division 7 of

1 Title 1 of the Government Code, by service on the Secretary of
2 State. If the party who is protected by the order cannot be notified
3 prior to the hearing for modification or termination of the protective
4 order, the court shall deny the motion to modify or terminate the
5 order without prejudice or continue the hearing until the party who
6 is protected can be properly noticed and may, upon a showing of
7 good cause, specify another method for service of process that is
8 reasonably designed to afford actual notice to the protected party.
9 The protected party may waive his or her right to notice if he or
10 she is physically present in court and does not challenge the
11 sufficiency of the notice.

12 (l) This section does not preclude either party from
13 representation by private counsel or from appearing on his or her
14 own behalf.

15 (m) Upon filing of a petition for an injunction under this section,
16 the respondent shall be personally served with a copy of the
17 petition, temporary restraining order, if any, and notice of hearing
18 of the petition. Service shall be made at least five days before the
19 hearing. The court may, for good cause, on motion of the petitioner
20 or on its own motion, shorten the time for service on the
21 respondent.

22 (n) A notice of hearing under this section shall notify the
23 respondent that, if he or she does not attend the hearing, the court
24 may make orders against him or her that could last up to three
25 years.

26 (o) The respondent shall be entitled, as a matter of course, to
27 one continuance, for a reasonable period, to respond to the petition.

28 (p) (1) Either party may request a continuance of the hearing,
29 which the court shall grant on a showing of good cause. The request
30 may be made in writing before or at the hearing or orally at the
31 hearing. The court may also grant a continuance on its own motion.

32 (2) If the court grants a continuance, any temporary restraining
33 order that has been granted shall remain in effect until the end of
34 the continued hearing, unless otherwise ordered by the court. In
35 granting a continuance, the court may modify or terminate a
36 temporary restraining order.

37 (q) (1) If a respondent, named in a restraining order issued
38 under this section after a hearing, has not been served personally
39 with the order but has received actual notice of the existence and
40 substance of the order through personal appearance in court to

1 hear the terms of the order from the court, no additional proof of
2 service is required for enforcement of the order.

3 (2) If the respondent named in a temporary restraining order is
4 personally served with the order and notice of hearing with respect
5 to a restraining order or protective order based on the temporary
6 restraining order, but the person does not appear at the hearing,
7 either personally or by an attorney, and the terms and conditions
8 of the restraining order or protective order issued at the hearing
9 are identical to the temporary restraining order, except for the
10 duration of the order, then the restraining order or protective order
11 issued at the hearing may be served on the person by first-class
12 mail sent to that person at the most current address for the person
13 available to the court.

14 (3) The Judicial Council form for temporary orders issued
15 pursuant to this subdivision shall contain a statement in
16 substantially the following form:

17
18 “If you have been personally served with this temporary
19 restraining order and notice of hearing, but you do not appear at
20 the hearing either in person or by a lawyer, and a restraining order
21 that is the same as this restraining order except for the expiration
22 date is issued at the hearing, a copy of the order will be served on
23 you by mail at the following address: ____.

24 If that address is not correct or you wish to verify that the
25 temporary restraining order was converted to a restraining order
26 at the hearing without substantive change and to find out the
27 duration of that order, contact the clerk of the court.”

28
29 (r) (1) Information on a temporary restraining order or
30 ~~injunction~~ *order after hearing* relating to workplace violence issued
31 by a court pursuant to this section shall be transmitted to the
32 Department of Justice in accordance with either paragraph (2) or
33 (3).

34 (2) The court shall order the petitioner or the attorney for the
35 petitioner to deliver a copy of any order issued under this section,
36 or a reissuance, extension, modification, or termination of the
37 order, and any subsequent proof of service, by the close of the
38 business day on which the order, reissuance, extension,
39 modification, or termination was made, to each law enforcement
40 agency having jurisdiction over the residence of the petitioner and

1 to any additional law enforcement agencies within the court's
2 discretion as are requested by the petitioner.

3 (3) Alternatively, the court or its designee shall transmit, within
4 one business day, to law enforcement personnel all information
5 required under subdivision (b) of Section 6380 of the Family Code
6 regarding any order issued under this section, or a reissuance,
7 extension, modification, or termination of the order, and any
8 subsequent proof of service, by either one of the following
9 methods:

10 (A) Transmitting a physical copy of the order or proof of service
11 to a local law enforcement agency authorized by the Department
12 of Justice to enter orders into the California Law Enforcement
13 Telecommunications System (CLETS).

14 (B) With the approval of the Department of Justice, entering
15 the order or proof of service into CLETS directly.

16 (4) Each appropriate law enforcement agency shall make
17 available information as to the existence and current status of these
18 orders to law enforcement officers responding to the scene of
19 reported unlawful violence or a credible threat of violence.

20 (5) At the request of the petitioner, an order issued under this
21 section shall be served on the respondent, regardless of whether
22 the respondent has been taken into custody, by any law
23 enforcement officer who is present at the scene of reported
24 unlawful violence or a credible threat of violence involving the
25 parties to the proceedings. The petitioner shall provide the officer
26 with an endorsed copy of the order and proof of service that the
27 officer shall complete and send to the issuing court.

28 (6) Upon receiving information at the scene of an incident of
29 unlawful violence or a credible threat of violence that a protective
30 order has been issued under this section, or that a person who has
31 been taken into custody is the subject of an order, if the petitioner
32 or the protected person cannot produce an endorsed copy of the
33 order, a law enforcement officer shall immediately attempt to
34 verify the existence of the order.

35 (7) If the law enforcement officer determines that a protective
36 order has been issued but not served, the officer shall immediately
37 notify the respondent of the terms of the order and obtain the
38 respondent's address. The law enforcement officer shall at that
39 time also enforce the order, but may not arrest or take the
40 respondent into custody for acts in violation of the order that were

1 committed prior to the verbal notice of the terms and conditions
2 of the order. The law enforcement officer's verbal notice of the
3 terms of the order shall constitute service of the order and
4 constitutes sufficient notice for the purposes of this section and
5 for the purposes of Section 29825 of the Penal Code. The petitioner
6 shall mail an endorsed copy of the order to the respondent's mailing
7 address provided to the law enforcement officer within one
8 business day of the reported incident of unlawful violence or a
9 credible threat of violence at which a verbal notice of the terms of
10 the order was provided by a law enforcement officer.

11 (s) (1) A person subject to a protective order issued under this
12 section shall not own, possess, purchase, receive, or attempt to
13 purchase or receive a firearm or ammunition while the protective
14 order is in effect.

15 (2) The court shall order a person subject to a protective order
16 issued under this section to relinquish any firearms he or she owns
17 or possesses pursuant to Section 527.9.

18 (3) Every person who owns, possesses, purchases or receives,
19 or attempts to purchase or receive a firearm or ammunition while
20 the protective order is in effect is punishable pursuant to Section
21 29825 of the Penal Code.

22 (t) Any intentional disobedience of any temporary restraining
23 order ~~or injunction~~ or order after hearing granted under this section
24 is punishable pursuant to Section 273.6 of the Penal Code.

25 (u) This section shall not be construed as expanding,
26 diminishing, altering, or modifying the duty, if any, of an employer
27 to provide a safe workplace for employees and other persons.

28 (v) (1) The Judicial Council shall develop forms, instructions,
29 and rules for relating to matters governed by this section. The
30 forms for the petition and response shall be simple and concise,
31 and their use by parties in actions brought pursuant to this section
32 shall be mandatory.

33 (2) A temporary restraining order or ~~injunction~~ order after
34 hearing relating to unlawful violence or a credible threat of
35 violence issued by a court pursuant to this section shall be issued
36 on forms adopted by the Judicial Council of California and that
37 have been approved by the Department of Justice pursuant to
38 subdivision (i) of Section 6380 of the Family Code. However, the
39 fact that an order issued by a court pursuant to this section was not
40 issued on forms adopted by the Judicial Council and approved by

1 the Department of Justice shall not, in and of itself, make the order
2 unenforceable.

3 (w) There is no filing fee for a petition that alleges that a person
4 has inflicted or threatened violence against an employee of the
5 petitioner, or stalked the employee, or acted or spoken in any other
6 manner that has placed the employee in reasonable fear of violence,
7 and that seeks a protective or restraining order ~~or injunction~~
8 restraining stalking or future violence or threats of violence, in
9 any action brought pursuant to this section. No fee shall be paid
10 for a subpoena filed in connection with a petition alleging these
11 acts. No fee shall be paid for filing a response to a petition alleging
12 these acts.

13 (x) (1) Subject to paragraph (4) of subdivision (b) of Section
14 6103.2 of the Government Code, there shall be no fee for the
15 service of process by a sheriff or marshal of a temporary restraining
16 order ~~or injunction order after hearing~~ to be issued pursuant to
17 this section if either of the following conditions applies:

18 (A) The temporary restraining order ~~or injunction order after~~
19 *hearing* issued pursuant to this section is based upon stalking, as
20 prohibited by Section 646.9 of the Penal Code.

21 (B) The temporary restraining order ~~or injunction order after~~
22 *hearing* issued pursuant to this section is based on unlawful
23 violence or a credible threat of violence.

24 (2) The Judicial Council shall prepare and develop forms for
25 persons who wish to avail themselves of the services described in
26 this subdivision.

27 SEC. 3. Section 527.85 of the Code of Civil Procedure is
28 amended to read:

29 527.85. (a) Any chief administrative officer of a postsecondary
30 educational institution, or an officer or employee designated by
31 the chief administrative officer to maintain order on the school
32 campus or facility, a student of which has suffered a credible threat
33 of violence made off the school campus or facility from any
34 individual which can reasonably be construed to be carried out or
35 to have been carried out at the school campus or facility, may, with
36 the written consent of the student, seek a temporary restraining
37 order and an ~~injunction order after hearing~~ on behalf of the student
38 and, at the discretion of the court, any number of other students at
39 the campus or facility who are similarly situated.

40 (b) For purposes of this section, the following definitions apply:

1 (1) “Chief administrative officer” means the principal, president,
2 or highest ranking official of the postsecondary educational
3 institution.

4 (2) “Course of conduct” means a pattern of conduct composed
5 of a series of acts over a period of time, however short, evidencing
6 a continuity of purpose, including any of the following:

7 (A) Following or stalking a student to or from school.

8 (B) Entering the school campus or facility.

9 (C) Following a student during school hours.

10 (D) Making telephone calls to a student.

11 (E) Sending correspondence to a student by any means,
12 including, but not limited to, the use of the public or private mails,
13 interoffice mail, facsimile, or computer email.

14 (3) “Credible threat of violence” means a knowing and willful
15 statement or course of conduct that would place a reasonable person
16 in fear for his or her safety, or the safety of his or her immediate
17 family, and that serves no legitimate purpose.

18 (4) “Petitioner” means the chief administrative officer, or his
19 or her designee, who petitions under subdivision (a) for a temporary
20 restraining order and ~~injunction~~ *order after hearing*.

21 (5) “Postsecondary educational institution” means a private
22 institution of vocational, professional, or postsecondary education.

23 (6) “Respondent” means the person against whom the temporary
24 restraining order and ~~injunction~~ *order after hearing* are sought
25 and, if the petition is granted, the restrained person.

26 (7) “Student” means an adult currently enrolled in or applying
27 for admission to a postsecondary educational institution.

28 (8) “Temporary restraining order” and ~~“injunction”~~ *“order after*
29 *hearing”* mean orders that include any of the following restraining
30 orders, whether issued ex parte, or after notice and hearing:

31 (A) An order enjoining a party from harassing, intimidating,
32 molesting, attacking, striking, stalking, threatening, sexually
33 assaulting, battering, abusing, telephoning, including, but not
34 limited to, making annoying telephone calls as described in Section
35 653m of the Penal Code, destroying personal property, contacting,
36 either directly or indirectly, by mail or otherwise, or coming within
37 a specified distance of, or disturbing the peace of, the student.

38 (B) An order enjoining a party from specified behavior that the
39 court determines is necessary to effectuate orders described in
40 subparagraph (A).

1 (9) “Unlawful violence” means any assault or battery, or stalking
2 as prohibited in Section 646.9 of the Penal Code, but shall not
3 include lawful acts of self-defense or defense of others.

4 (c) This section does not permit a court to issue a temporary
5 restraining order or ~~injunction order after hearing~~ prohibiting
6 speech or other activities that are constitutionally protected, or
7 otherwise protected by Section 527.3 or any other provision of
8 law.

9 (d) In the discretion of the court, on a showing of good cause,
10 a temporary restraining order or ~~injunction order after hearing~~
11 issued under this section may include other named family or
12 household members of the student, or other students at the campus
13 or facility.

14 (e) Upon filing a petition ~~for an injunction~~ under this section,
15 the petitioner may obtain a temporary restraining order in
16 accordance with subdivision (a) of Section 527, if the petitioner
17 also files a declaration that, to the satisfaction of the court, shows
18 reasonable proof that a student has suffered a credible threat of
19 violence made off the school campus or facility by the respondent,
20 and that great or irreparable harm would result to the student. The
21 temporary restraining order may include any of the protective
22 orders described in paragraph (8) of subdivision (b).

23 (f) A request for the issuance of a temporary restraining order
24 without notice under this section shall be granted or denied on the
25 same day that the petition is submitted to the court, unless the
26 petition is filed too late in the day to permit effective review, in
27 which case the order shall be granted or denied on the next day of
28 judicial business in sufficient time for the order to be filed that day
29 with the clerk of the court.

30 (g) A temporary restraining order granted under this section
31 shall remain in effect, at the court’s discretion, for a period not to
32 exceed 21 days, or if the court extends the time for hearing under
33 subdivision (h), not to exceed 25 days, unless otherwise modified
34 or terminated by the court.

35 (h) Within 21 days, or if good cause appears to the court, within
36 25 days, from the date that a petition for a temporary order is
37 granted or denied, a hearing shall be held on the ~~petition for the~~
38 ~~injunction~~ *petition*. If no request for temporary orders is made,
39 the hearing shall be held within 21 days, or if good cause appears
40 to the court, 25 days, from the date the petition is filed.

1 (i) The respondent may file a response that explains, excuses,
2 justifies, or denies the alleged credible threats of violence.

3 (j) At the hearing, the judge shall receive any testimony that is
4 relevant and may make an independent inquiry. Moreover, if the
5 respondent is a current student of the entity requesting the
6 ~~injunction~~ order, the judge shall receive evidence concerning the
7 decision of the postsecondary educational institution decision to
8 retain, terminate, or otherwise discipline the respondent. If the
9 judge finds by clear and convincing evidence that the respondent
10 made a credible threat of violence off the school campus or facility,
11 an ~~injunction~~ order shall be issued prohibiting further threats of
12 violence.

13 (k) (1) In the discretion of the court, an order issued after notice
14 and hearing under this section may have a duration of not more
15 than three years, subject to termination or modification by further
16 order of the court either on written stipulation filed with the court
17 or on the motion of a party. These orders may be renewed, upon
18 the request of a party, for a duration of not more than three years,
19 without a showing of any further violence or threats of violence
20 since the issuance of the original order, subject to termination or
21 modification by further order of the court either on written
22 stipulation filed with the court or on the motion of a party. The
23 request for renewal may be brought at any time within the three
24 months before the expiration of the order.

25 (2) The failure to state the expiration date on the face of the
26 form creates an order with a duration of three years from the date
27 of issuance.

28 (3) If an action is filed for the purpose of terminating or
29 modifying a protective order prior to the expiration date specified
30 in the order by a party other than the protected party, the party
31 who is protected by the order shall be given notice, pursuant to
32 subdivision (b) of Section 1005, of the proceeding by personal
33 service or, if the protected party has satisfied the requirements of
34 Chapter 3.1 (commencing with Section 6205) of Division 7 of
35 Title 1 of the Government Code, by service on the Secretary of
36 State. If the party who is protected by the order cannot be notified
37 prior to the hearing for modification or termination of the protective
38 order, the court shall deny the motion to modify or terminate the
39 order without prejudice or continue the hearing until the party who
40 is protected can be properly noticed and may, upon a showing of

1 good cause, specify another method for service of process that is
2 reasonably designed to afford actual notice to the protected party.
3 The protected party may waive his or her right to notice if he or
4 she is physically present in court and does not challenge the
5 sufficiency of the notice.

6 (l) This section does not preclude either party from
7 representation by private counsel or from appearing on his or her
8 own behalf.

9 (m) Upon filing of a petition ~~for an injunction~~ under this section,
10 the respondent shall be personally served with a copy of the
11 petition, temporary restraining order, if any, and notice of hearing
12 of the petition. Service shall be made at least five days before the
13 hearing. The court may, for good cause, on motion of the petitioner
14 or on its own motion, shorten the time for service on the
15 respondent.

16 (n) A notice of hearing under this section shall notify the
17 respondent that if he or she does not attend the hearing, the court
18 may make orders against him or her that could last up to three
19 years.

20 (o) The respondent shall be entitled, as a matter of course, to
21 one continuance, for a reasonable period, to respond to the petition.

22 (p) (1) Either party may request a continuance of the hearing,
23 which the court shall grant on a showing of good cause. The request
24 may be made in writing before or at the hearing or orally at the
25 hearing. The court may also grant a continuance on its own motion.

26 (2) If the court grants a continuance, any temporary restraining
27 order that has been granted shall remain in effect until the end of
28 the continued hearing, unless otherwise ordered by the court. In
29 granting a continuance, the court may modify or terminate a
30 temporary restraining order.

31 (q) (1) If a respondent, named in an order issued under this
32 section after a hearing, has not been served personally with the
33 order but has received actual notice of the existence and substance
34 of the order through personal appearance in court to hear the terms
35 of the order from the court, no additional proof of service is
36 required for enforcement of the order.

37 (2) If the respondent named in a temporary restraining order is
38 personally served with the order and notice of hearing with respect
39 to a restraining order or protective order based on the temporary
40 restraining order, but the respondent does not appear at the hearing,

1 either personally or by an attorney, and the terms and conditions
2 of the restraining order or protective order issued at the hearing
3 are identical to the temporary restraining order, except for the
4 duration of the order, then the restraining order or protective order
5 issued at the hearing may be served on the respondent by first-class
6 mail sent to that person at the most current address for the
7 respondent available to the court.

8 (3) The Judicial Council form for temporary orders issued
9 pursuant to this subdivision shall contain a statement in
10 substantially the following form:

11
12 “If you have been personally served with a temporary restraining
13 order and notice of hearing, but you do not appear at the hearing
14 either in person or by a lawyer, and a restraining order that is the
15 same as this temporary restraining order except for the expiration
16 date is issued at the hearing, a copy of the order will be served on
17 you by mail at the following address:_____.

18 If that address is not correct or you wish to verify that the
19 temporary restraining order was converted to a restraining order
20 at the hearing without substantive change and to find out the
21 duration of that order, contact the clerk of the court.”

22
23 (r) (1) Information on a temporary restraining order or
24 ~~injunction order after hearing~~ relating to schoolsite violence issued
25 by a court pursuant to this section shall be transmitted to the
26 Department of Justice in accordance with either paragraph (2) or
27 (3).

28 (2) The court shall order the petitioner or the attorney for the
29 petitioner to deliver a copy of any order issued under this section,
30 or a reissuance, extension, modification, or termination of the
31 order, and any subsequent proof of service, by the close of the
32 business day on which the order, reissuance, or termination of the
33 order, and any proof of service, was made, to each law enforcement
34 agency having jurisdiction over the residence of the petition and
35 to any additional law enforcement agencies within the court’s
36 discretion as are requested by the petitioner.

37 (3) Alternatively, the court or its designee shall transmit, within
38 one business day, to law enforcement personnel all information
39 required under subdivision (b) of Section 6380 of the Family Code
40 regarding any order issued under this section, or a reissuance,

1 extension, modification, or termination of the order, and any
2 subsequent proof of service, by either one of the following
3 methods:

4 (A) Transmitting a physical copy of the order or proof of service
5 to a local law enforcement agency authorized by the Department
6 of Justice to enter orders into the California Law Enforcement
7 Telecommunications System (CLETS).

8 (B) With the approval of the Department of Justice, entering
9 the order of proof of service into CLETS directly.

10 (4) Each appropriate law enforcement agency shall make
11 available information as to the existence and current status of these
12 orders to law enforcement officers responding to the scene of
13 reported unlawful violence or a credible threat of violence.

14 (5) At the request of the petitioner, an order issued under this
15 section shall be served on the respondent, regardless of whether
16 the respondent has been taken into custody, by any law
17 enforcement officer who is present at the scene of reported
18 unlawful violence or a credible threat of violence involving the
19 parties to the proceedings. The petitioner shall provide the officer
20 with an endorsed copy of the order and proof of service that the
21 officer shall complete and send to the issuing court.

22 (6) Upon receiving information at the scene of an incident of
23 unlawful violence or a credible threat of violence that a protective
24 order has been issued under this section, or that a person who has
25 been taken into custody is the subject of an order, if the petitioner
26 or the protected person cannot produce an endorsed copy of the
27 order, a law enforcement officer shall immediately attempt to
28 verify the existence of the order.

29 (7) If the law enforcement officer determines that a protective
30 order has been issued but not served, the officer shall immediately
31 notify the respondent of the terms of the order and obtain the
32 respondent's address. The law enforcement officer shall at that
33 time also enforce the order, but may not arrest or take the
34 respondent into custody for acts in violation of the order that were
35 committed prior to the verbal notice of the terms and conditions
36 of the order. The law enforcement officer's verbal notice of the
37 terms of the order shall constitute service of the order and
38 constitutes sufficient notice for the purposes of this section, and
39 Section 29825 of the Penal Code. The petitioner shall mail an
40 endorsed copy of the order to the respondent's mailing address

1 provided to the law enforcement officer within one business day
2 of the reported incident of unlawful violence or a credible threat
3 of violence at which a verbal notice of the terms of the order was
4 provided by a law enforcement officer.

5 (s) (1) A person subject to a protective order issued under this
6 section shall not own, possess, purchase, receive, or attempt to
7 purchase or receive a firearm or ammunition while the protective
8 order is in effect.

9 (2) The court shall order a person subject to a protective order
10 issued under this section to relinquish any firearms he or she owns
11 or possesses pursuant to Section 527.9.

12 (3) Every person who owns, possesses, purchases, or receives,
13 or attempts to purchase or receive a firearm or ammunition while
14 the protective order is in effect is punishable pursuant to Section
15 29825 of the Penal Code.

16 (t) Any intentional disobedience of any temporary restraining
17 order or ~~injunction order~~ *order after hearing* granted under this section
18 is punishable pursuant to Section 273.6 of the Penal Code.

19 (u) This section shall not be construed as expanding,
20 diminishing, altering, or modifying the duty, if any, of a
21 postsecondary educational institution to provide a safe environment
22 for students and other persons.

23 (v) (1) The Judicial Council shall develop forms, instructions,
24 and rules relating to matters governed by this section. The forms
25 for the petition and response shall be simple and concise, and their
26 use by parties in actions brought pursuant to this section shall be
27 mandatory.

28 (2) A temporary restraining order or ~~injunction order~~ *order after*
29 *hearing* relating to unlawful violence or a credible threat of
30 violence issued by a court pursuant to this section shall be issued
31 on forms adopted by the Judicial Council that have been approved
32 by the Department of Justice pursuant to subdivision (i) of Section
33 6380 of the Family Code. However, the fact that an order issued
34 by a court pursuant to this section was not issued on forms adopted
35 by the Judicial Council and approved by the Department of Justice
36 shall not, in and of itself, make the order unenforceable.

37 (w) There is no filing fee for a petition that alleges that a person
38 has threatened violence against a student of the petitioner, or
39 stalked the student, or acted or spoken in any other manner that
40 has placed the student in reasonable fear of violence, and that seeks

1 a protective or restraining order ~~or injunction~~ restraining stalking
2 or future threats of violence, in any action brought pursuant to this
3 section. No fee shall be paid for a subpoena filed in connection
4 with a petition alleging these acts. No fee shall be paid for filing
5 a response to a petition alleging these acts.

6 (x) (1) Subject to paragraph (4) of subdivision (b) of Section
7 6103.2 of the Government Code, there shall be no fee for the
8 service of process by a sheriff or marshal of a temporary restraining
9 order ~~or injunction~~ *order after hearing* to be issued pursuant to
10 this section if either of the following conditions applies:

11 (A) The temporary restraining order ~~or injunction~~ *order after*
12 *hearing* issued pursuant to this section is based upon stalking, as
13 prohibited by Section 646.9 of the Penal Code.

14 (B) The temporary restraining order ~~or injunction~~ *order after*
15 *hearing* issued pursuant to this section is based upon a credible
16 threat of violence.

17 (2) The Judicial Council shall prepare and develop forms for
18 persons who wish to avail themselves of the services described in
19 this subdivision.

20 SEC. 4. Section 242 of the Family Code is amended to read:

21 242. (a) Within 21 days, or, if good cause appears to the court,
22 25 days from the date that a temporary restraining order is granted
23 or denied, a hearing shall be held on the petition. If no request for
24 a temporary restraining order is made, the hearing shall be held
25 within 21 days, or, if good cause appears to the court, 25 days from
26 the date that the petition is filed.

27 (b) If a hearing is not held within the time provided in
28 subdivision (a), the court may nonetheless hear the matter, but the
29 temporary restraining order shall no longer be enforceable unless
30 it is extended under Section 245.

31 SEC. 5. Section 243 of the Family Code is amended to read:

32 243. (a) ~~When the matter first comes up for hearing, the~~
33 ~~petitioner must be ready to proceed.~~

34 (b)

35 (a) If a petition under this part has been filed, the respondent
36 shall be personally served with a copy of the petition, the temporary
37 restraining order, if any, and the notice of hearing on the petition.
38 Service shall be made at least five days before the hearing.

39 (b) *On motion of the petitioner or on its own motion, the court*
40 *may shorten the time for service on the respondent.*

1 (c) If service *on the respondent* is ~~made under subdivision (b);~~
2 *made*, the respondent may file a response that explains or denies
3 the allegations in the petition.

4 ~~(d) On motion of the petitioner or on its own motion, the court~~
5 ~~may shorten the time provided in this section for service on the~~
6 ~~respondent.~~

7 SEC. 6. Section 245 of the Family Code is amended to read:

8 245. (a) The respondent shall be entitled, as a matter of course,
9 to one ~~continuance~~, *continuance* for a reasonable period, to respond
10 to the petition.

11 (b) Either party may request a continuance of the hearing, which
12 the court shall grant on a showing of good cause. The request may
13 be made in writing before or at the hearing or orally at the hearing.
14 The court may also grant a continuance on its own motion.

15 (c) If the court grants a continuance, any temporary restraining
16 order that has been issued shall remain in effect until the end of
17 the continued hearing, unless otherwise ordered by the court. In
18 granting a continuance, the court may modify or terminate a
19 temporary restraining order.

20 (d) If the court grants a continuance, the extended temporary
21 restraining order shall state on its face the new date of expiration
22 of the order.

23 (e) A fee shall not be charged for the extension of the temporary
24 restraining order.

25 SEC. 7. Section 213.5 of the Welfare and Institutions Code is
26 amended to read:

27 213.5. (a) After a petition has been filed pursuant to Section
28 311 to declare a child a dependent child of the juvenile court, and
29 until the time that the petition is dismissed or dependency is
30 terminated, upon application in the manner provided by Section
31 527 of the Code of Civil Procedure or in the manner provided by
32 Section 6300 of the Family Code, if related to domestic violence,
33 the juvenile court has exclusive jurisdiction to issue ex parte orders
34 (1) enjoining any person from molesting, attacking, striking,
35 stalking, threatening, sexually assaulting, battering, harassing,
36 telephoning, including, but not limited to, making annoying
37 telephone calls as described in Section 653m of the Penal Code,
38 destroying the personal property, contacting, either directly or
39 indirectly, by mail or otherwise, coming within a specified distance
40 of, or disturbing the peace of the child or any other child in the

1 household; and (2) excluding any person from the dwelling of the
2 person who has care, custody, and control of the child. A court
3 may also issue an ex parte order enjoining any person from
4 molesting, attacking, striking, stalking, threatening, sexually
5 assaulting, battering, harassing, telephoning, including, but not
6 limited to, making annoying telephone calls as described in Section
7 653m of the Penal Code, destroying the personal property,
8 contacting, either directly or indirectly, by mail or otherwise,
9 coming within a specified distance of, or disturbing the peace of
10 any parent, legal guardian, or current caretaker of the child,
11 regardless of whether the child resides with that parent, legal
12 guardian, or current caretaker, upon application in the manner
13 provided by Section 527 of the Code of Civil Procedure or, if
14 related to domestic violence, in the manner provided by Section
15 6300 of the Family Code. A court may also issue an ex parte order
16 enjoining any person from molesting, attacking, striking, stalking,
17 threatening, sexually assaulting, battering, harassing, telephoning,
18 including, but not limited to, making annoying telephone calls as
19 described in Section 653m of the Penal Code, destroying the
20 personal property, contacting, either directly or indirectly, by mail
21 or otherwise, coming within a specified distance of, or disturbing
22 the peace of the child's current or former social worker or court
23 appointed special advocate, upon application in the manner
24 provided by Section 527 of the Code of Civil Procedure.

25 (b) After a petition has been filed pursuant to Section 601 or
26 602 to declare a child a ward of the juvenile court, and until the
27 time that the petition is dismissed or wardship is terminated, upon
28 application in the manner provided by Section 527 of the Code of
29 Civil Procedure or, if related to domestic violence, in the manner
30 provided by Section 6300 of the Family Code, the juvenile court
31 may issue ex parte orders (1) enjoining any person from molesting,
32 attacking, striking, stalking, threatening, sexually assaulting,
33 battering, harassing, telephoning, including, but not limited to,
34 making annoying telephone calls as described in Section 653m of
35 the Penal Code, destroying the personal property, contacting, either
36 directly or indirectly, by mail or otherwise, coming within a
37 specified distance of, or disturbing the peace of the child or any
38 other child in the household; (2) excluding any person from the
39 dwelling of the person who has care, custody, and control of the
40 child; or (3) enjoining the child from contacting, threatening,

1 stalking, or disturbing the peace of any person the court finds to
2 be at risk from the conduct of the child, or with whom association
3 would be detrimental to the child. A court may also issue an ex
4 parte order enjoining any person from molesting, attacking,
5 striking, stalking, threatening, sexually assaulting, battering,
6 harassing, telephoning, including, but not limited to, making
7 annoying telephone calls as described in Section 653m of the Penal
8 Code, destroying the personal property, contacting, either directly
9 or indirectly, by mail or otherwise, coming within a specified
10 distance of, or disturbing the peace of any parent, legal guardian,
11 or current caretaker of the child, regardless of whether the child
12 resides with that parent, legal guardian, or current caretaker, upon
13 application in the manner provided by Section 527 of the Code of
14 Civil Procedure or, if related to domestic violence, in the manner
15 provided by Section 6300 of the Family Code. A court may also
16 issue an ex parte order enjoining any person from molesting,
17 attacking, striking, stalking, threatening, sexually assaulting,
18 battering, harassing, telephoning, including, but not limited to,
19 making annoying telephone calls as described in Section 653m of
20 the Penal Code, destroying the personal property, contacting, either
21 directly or indirectly, by mail or otherwise, coming within a
22 specified distance of, or disturbing the peace of the child's current
23 or former probation officer or court appointed special advocate,
24 upon application in the manner provided by Section 527 of the
25 Code of Civil Procedure.

26 (c) (1) If a temporary restraining order is granted without notice,
27 the matter shall be made returnable on an order requiring cause to
28 be shown why the order should not be granted, on the earliest day
29 that the business of the court will permit, but not later than 21 days
30 or, if good cause appears to the court, 25 days from the date the
31 temporary restraining order is granted. *The court may, on the*
32 *motion of the person seeking the restraining order, or on its own*
33 *motion, shorten the time for the service of the order to show cause*
34 *on the person to be restrained.*

35 (2) The respondent shall be entitled, as a matter of course, to
36 one continuance, for a reasonable period, to respond to the petition.

37 (3) Either party may request a continuance of the hearing, which
38 the court shall grant on a showing of good cause. The request may
39 be made in writing before or at the hearing or orally at the hearing.
40 The court may also grant a continuance on its own motion.

1 (4) If the court grants a continuance, any temporary restraining
2 order that has been issued shall remain in effect until the end of
3 the continued hearing, unless otherwise ordered by the court. In
4 granting a continuance, the court may modify or terminate a
5 temporary restraining order.

6 (5) A hearing pursuant to this section may be held
7 simultaneously with any regularly scheduled hearings held in
8 proceedings to declare a child a dependent child or ward of the
9 juvenile court pursuant to Section 300, 601, or 602, or subsequent
10 hearings regarding the dependent child or ward.

11 (d) (1) The juvenile court may issue, upon notice and a hearing,
12 any of the orders set forth in subdivisions (a), (b), and (c). A
13 restraining order granted pursuant to this subdivision shall remain
14 in effect, in the discretion of the court, no more than three years,
15 unless otherwise terminated by the court, extended by mutual
16 consent of all parties to the restraining order, or extended by further
17 order of the court on the motion of any party to the restraining
18 order.

19 (2) If an action is filed for the purpose of terminating or
20 modifying a protective order prior to the expiration date specified
21 in the order by a party other than the protected party, the party
22 who is protected by the order shall be given notice, pursuant to
23 subdivision (b) of Section 1005 of the Code of Civil Procedure,
24 of the proceeding by personal service or, if the protected party has
25 satisfied the requirements of Chapter 3.1 (commencing with
26 Section 6205) of Division 7 of Title 1 of the Government Code,
27 by service on the Secretary of State. If the party who is protected
28 by the order cannot be notified prior to the hearing for modification
29 or termination of the protective order, the juvenile court shall deny
30 the motion to modify or terminate the order without prejudice or
31 continue the hearing until the party who is protected can be
32 properly noticed and may, upon a showing of good cause, specify
33 another method for service of process that is reasonably designed
34 to afford actual notice to the protected party. The protected party
35 may waive his or her right to notice if he or she is physically
36 present and does not challenge the sufficiency of the notice.

37 (e) (1) The juvenile court may issue an order made pursuant to
38 subdivision (a), (b), or (d) excluding a person from a residence or
39 dwelling. This order may be issued for the time and on the
40 conditions that the court determines, regardless of which party

1 holds legal or equitable title or is the lessee of the residence or
2 dwelling.

3 (2) The court may issue an order under paragraph (1) only on
4 a showing of all of the following:

5 (A) Facts sufficient for the court to ascertain that the party who
6 will stay in the dwelling has a right under color of law to possession
7 of the premises.

8 (B) That the party to be excluded has assaulted or threatens to
9 assault the other party or any other person under the care, custody,
10 and control of the other party, or any minor child of the parties or
11 of the other party.

12 (C) That physical or emotional harm would otherwise result to
13 the other party, to any person under the care, custody, and control
14 of the other party, or to any minor child of the parties or of the
15 other party.

16 (f) An order issued pursuant to subdivision (a), (b), (c), or (d)
17 shall state on its face the date of expiration of the order.

18 (g) All data with respect to a juvenile court protective order, or
19 extension, modification, or termination thereof, granted pursuant
20 to subdivision (a), (b), (c), or (d), shall be transmitted by the court
21 or its designee, within one business day, to law enforcement
22 personnel by either one of the following methods:

23 (1) Transmitting a physical copy of the order to a local law
24 enforcement agency authorized by the Department of Justice to
25 enter orders into the California Law Enforcement
26 Telecommunications System (CLETS).

27 (2) With the approval of the Department of Justice, entering the
28 order into CLETS directly.

29 (h) Any willful and knowing violation of any order granted
30 pursuant to subdivision (a), (b), (c), or (d) shall be a misdemeanor
31 punishable under Section 273.65 of the Penal Code.

32 (i) A juvenile court restraining order related to domestic violence
33 issued by a court pursuant to this section shall be issued on forms
34 adopted by the Judicial Council of California and that have been
35 approved by the Department of Justice pursuant to subdivision (i)
36 of Section 6380 of the Family Code. However, the fact that an
37 order issued by a court pursuant to this section was not issued on
38 forms adopted by the Judicial Council and approved by the
39 Department of Justice shall not, in and of itself, make the order
40 unenforceable.

(j) (1) Prior to a hearing on the issuance or denial of an order under this part, a search shall be conducted as described in subdivision (a) of Section 6306 of the Family Code.

(2) Prior to deciding whether to issue an order under this part, the court shall consider the following information obtained pursuant to a search conducted under paragraph (1): any conviction for a violent felony specified in Section 667.5 of the Penal Code or a serious felony specified in Section 1192.7 of the Penal Code; any misdemeanor conviction involving domestic violence, weapons, or other violence; any outstanding warrant; parole or probation status; any prior restraining order; and any violation of a prior restraining order.

(3) (A) If the results of the search conducted pursuant to paragraph (1) indicate that an outstanding warrant exists against the subject of the search, the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of any information obtained through the search that the court determines is appropriate. The law enforcement officials notified shall take all actions necessary to execute any outstanding warrants or any other actions, as appropriate and as soon as practicable.

(B) If the results of the search conducted pursuant to paragraph (1) indicate that the subject of the search is currently on parole or probation, the court shall order the clerk of the court to immediately notify, by the most effective means available, the appropriate parole or probation officer of any information obtained through the search that the court determines is appropriate. The parole or probation officer notified shall take all actions necessary to revoke any parole or probation, or any other actions, with respect to the subject person, as appropriate and as soon as practicable.

(k) Upon making any order for custody or visitation pursuant to this section, the court shall follow the procedures specified in subdivisions (c) and (d) of Section 6323 of the Family Code.

SEC. 8. Section 15657.03 of the Welfare and Institutions Code is amended to read:

15657.03. (a) (1) An elder or dependent adult who has suffered abuse, as defined in Section 15610.07, may seek protective orders as provided in this section.

(2) A petition may be brought on behalf of an abused elder or dependent adult by a conservator or a trustee of the elder or

1 dependent adult, an attorney-in-fact of an elder or dependent adult
2 who acts within the authority of a power of attorney, a person
3 appointed as a guardian ad litem for the elder or dependent adult,
4 or other person legally authorized to seek such relief.

5 (b) For purposes of this section:

6 (1) “Conservator” means the legally appointed conservator of
7 the person or estate of the petitioner, or both.

8 (2) “Petitioner” means the elder or dependent adult to be
9 protected by the protective orders and, if the court grants the
10 petition, the protected person.

11 (3) “Protective order” means an order that includes any of the
12 following restraining orders, whether issued ex parte, after notice
13 and hearing, or in a judgment:

14 (A) An order enjoining a party from abusing, intimidating,
15 molesting, attacking, striking, stalking, threatening, sexually
16 assaulting, battering, harassing, telephoning, including, but not
17 limited to, making annoying telephone calls as described in Section
18 653m of the Penal Code, destroying personal property, contacting,
19 either directly or indirectly, by mail or otherwise, or coming within
20 a specified distance of, or disturbing the peace of, the petitioner,
21 and, in the discretion of the court, on a showing of good cause, of
22 other named family or household members or a conservator, if
23 any, of the petitioner.

24 (B) An order excluding a party from the petitioner’s residence
25 or dwelling, except that this order shall not be issued if legal or
26 equitable title to, or lease of, the residence or dwelling is in the
27 sole name of the party to be excluded, or is in the name of the party
28 to be excluded and any other party besides the petitioner.

29 (C) An order enjoining a party from specified behavior that the
30 court determines is necessary to effectuate orders described in
31 subparagraph (A) or (B).

32 (4) “Respondent” means the person against whom the protective
33 orders are sought and, if the petition is granted, the restrained
34 person.

35 (c) An order may be issued under this section, with or without
36 notice, to restrain any person for the purpose of preventing a
37 recurrence of abuse, if a declaration shows, to the satisfaction of
38 the court, reasonable proof of a past act or acts of abuse of the
39 petitioning elder or dependent adult.

(d) Upon filing a petition for protective orders under this section, the petitioner may obtain a temporary restraining order in accordance with Section 527 of the Code of Civil Procedure, except to the extent this section provides a rule that is inconsistent. The temporary restraining order may include any of the protective orders described in paragraph (3) of subdivision (b). However, the court may issue an ex parte order excluding a party from the petitioner's residence or dwelling only on a showing of all of the following:

(1) Facts sufficient for the court to ascertain that the party who will stay in the dwelling has a right under color of law to possession of the premises.

(2) That the party to be excluded has assaulted or threatens to assault the petitioner, other named family or household member of the petitioner, or a conservator of the petitioner.

(3) That physical or emotional harm would otherwise result to the petitioner, other named family or household member of the petitioner, or a conservator of the petitioner.

(e) A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(f) Within 21 days, or, if good cause appears to the court, 25 days, from the date that a request for a temporary restraining order is granted or denied, a hearing shall be held on the petition. If no request for temporary orders is made, the hearing shall be held within 21 days, or, if good cause appears to the court, 25 days, from the date that the petition is filed.

(g) The respondent may file a response that explains or denies the alleged abuse.

(h) The court may issue, upon notice and a hearing, any of the orders set forth in paragraph (3) of subdivision (b). The court may issue, after notice and hearing, an order excluding a person from a residence or dwelling if the court finds that physical or emotional harm would otherwise result to the petitioner, other named family or household member of the petitioner, or conservator of the petitioner.

1 (i) (1) In the discretion of the court, an order issued after notice
2 and a hearing under this section may have a duration of not more
3 than five years, subject to termination or modification by further
4 order of the court either on written stipulation filed with the court
5 or on the motion of a party. These orders may be renewed upon
6 the request of a party, either for five years or permanently, without
7 a showing of any further abuse since the issuance of the original
8 order, subject to termination or modification by further order of
9 the court either on written stipulation filed with the court or on the
10 motion of a party. The request for renewal may be brought at any
11 time within the three months before the expiration of the order.

12 (2) The failure to state the expiration date on the face of the
13 form creates an order with a duration of three years from the date
14 of issuance.

15 (3) If an action is filed for the purpose of terminating or
16 modifying a protective order prior to the expiration date specified
17 in the order by a party other than the protected party, the party
18 who is protected by the order shall be given notice, pursuant to
19 subdivision (b) of Section 1005 of the Code of Civil Procedure,
20 of the proceeding by personal service or, if the protected party has
21 satisfied the requirements of Chapter 3.1 (commencing with
22 Section 6205) of Division 7 of Title 1 of the Government Code,
23 by service on the Secretary of State. If the party who is protected
24 by the order cannot be notified prior to the hearing for modification
25 or termination of the protective order, the court shall deny the
26 motion to modify or terminate the order without prejudice or
27 continue the hearing until the party who is protected can be
28 properly noticed and may, upon a showing of good cause, specify
29 another method for service of process that is reasonably designed
30 to afford actual notice to the protected party. The protected party
31 may waive his or her right to notice if he or she is physically
32 present in court and does not challenge the sufficiency of the notice.

33 (j) In a proceeding under this section, a support person may
34 accompany a party in court and, if the party is not represented by
35 an attorney, may sit with the party at the table that is generally
36 reserved for the party and the party's attorney. The support person
37 is present to provide moral and emotional support for a person
38 who alleges he or she is a victim of abuse. The support person is
39 not present as a legal adviser and may not provide legal advice.
40 The support person may assist the person who alleges he or she is

1 a victim of abuse in feeling more confident that he or she will not
2 be injured or threatened by the other party during the proceedings
3 if the person who alleges he or she is a victim of abuse and the
4 other party are required to be present in close proximity. This
5 subdivision does not preclude the court from exercising its
6 discretion to remove the support person from the courtroom if the
7 court believes the support person is prompting, swaying, or
8 influencing the party assisted by the support person.

9 (k) Upon the filing of a petition for protective orders under this
10 section, the respondent shall be personally served with a copy of
11 the petition, notice of the hearing or order to show cause, temporary
12 restraining order, if any, and any declarations in support of the
13 petition. Service shall be made at least five days before the hearing.
14 The court may, on motion of the petitioner or on its own motion,
15 shorten the time for service on the respondent.

16 (l) A notice of hearing under this section shall notify the
17 respondent that if he or she does not attend the hearing, the court
18 may make orders against him or her that could last up to five years.

19 (m) The respondent shall be entitled, as a matter of course, to
20 one continuance, for a reasonable period, to respond to the petition.

21 (n) (1) Either party may request a continuance of the hearing,
22 which the court shall grant on a showing of good cause. The request
23 may be made in writing before or at the hearing or orally at the
24 hearing. The court may also grant a continuance on its own motion.

25 (2) If the court grants a continuance, any temporary restraining
26 order that has been granted shall remain in effect until the end of
27 the continued hearing, unless otherwise ordered by the court. In
28 granting a continuance, the court may modify or terminate a
29 temporary restraining order.

30 (o) (1) If a respondent, named in an order issued under this
31 section after a hearing, has not been served personally with the
32 order but has received actual notice of the existence and substance
33 of the order through personal appearance in court to hear the terms
34 of the order from the court, no additional proof of service is
35 required for enforcement of the order.

36 (2) If the respondent named in a temporary restraining order is
37 personally served with the order and notice of hearing with respect
38 to a restraining order or protective order based on the temporary
39 restraining order, but the respondent does not appear at the hearing,
40 either personally or by an attorney, and the terms and conditions

1 of the restraining order or protective order issued at the hearing
2 are identical to the temporary restraining order, except for the
3 duration of the order, then the restraining order or protective order
4 issued at the hearing may be served on the respondent by first-class
5 mail sent to the respondent at the most current address for the
6 respondent that is available to the court.

7 (3) The Judicial Council form for temporary orders issued
8 pursuant to this subdivision shall contain a statement in
9 substantially the following form:

10
11 “If you have been personally served with a temporary restraining
12 order and notice of hearing, but you do not appear at the hearing
13 either in person or by a lawyer, and a restraining order that is the
14 same as this temporary restraining order except for the expiration
15 date is issued at the hearing, a copy of the order will be served on
16 you by mail at the following address: ____.

17 If that address is not correct or you wish to verify that the
18 temporary restraining order was converted to a restraining order
19 at the hearing without substantive change and to find out the
20 duration of that order, contact the clerk of the court.”

21
22 (p) (1) Information on a protective order relating to elder or
23 dependent adult abuse issued by a court pursuant to this section
24 shall be transmitted to the Department of Justice in accordance
25 with either paragraph (2) or (3).

26 (2) The court shall order the petitioner or the attorney for the
27 petitioner to deliver a copy of an order issued under this section,
28 or a reissuance, extension, modification, or termination of the
29 order, and any subsequent proof of service, by the close of the
30 business day on which the order, reissuance, extension,
31 modification, or termination was made, to each law enforcement
32 agency having jurisdiction over the residence of the petitioner, and
33 to any additional law enforcement agencies within the court’s
34 discretion as are requested by the petitioner.

35 (3) Alternatively, the court or its designee shall transmit, within
36 one business day, to law enforcement personnel all information
37 required under subdivision (b) of Section 6380 of the Family Code
38 regarding any order issued under this section, or a reissuance,
39 extension, modification, or termination of the order, and any

1 subsequent proof of service, by either one of the following
2 methods:

3 (A) Transmitting a physical copy of the order or proof of service
4 to a local law enforcement agency authorized by the Department
5 of Justice to enter orders into the California Law Enforcement
6 Telecommunications System (CLETS).

7 (B) With the approval of the Department of Justice, entering
8 the order or proof of service into CLETS directly.

9 (4) Each appropriate law enforcement agency shall make
10 available information as to the existence and current status of these
11 orders to law enforcement officers responding to the scene of
12 reported abuse.

13 (5) An order issued under this section shall, on request of the
14 petitioner, be served on the respondent, whether or not the
15 respondent has been taken into custody, by any law enforcement
16 officer who is present at the scene of reported abuse involving the
17 parties to the proceeding. The petitioner shall provide the officer
18 with an endorsed copy of the order and a proof of service, which
19 the officer shall complete and send to the issuing court.

20 (6) Upon receiving information at the scene of an incident of
21 abuse that a protective order has been issued under this section,
22 or that a person who has been taken into custody is the respondent
23 to that order, if the protected person cannot produce an endorsed
24 copy of the order, a law enforcement officer shall immediately
25 attempt to verify the existence of the order.

26 (7) If the law enforcement officer determines that a protective
27 order has been issued but not served, the officer shall immediately
28 notify the respondent of the terms of the order and where a written
29 copy of the order can be obtained, and the officer shall at that time
30 also enforce the order. The law enforcement officer's verbal notice
31 of the terms of the order shall constitute service of the order and
32 is sufficient notice for the purposes of this section and for the
33 purposes of Section 273.6 of the Penal Code.

34 (q) Nothing in this section shall preclude either party from
35 representation by private counsel or from appearing on the party's
36 own behalf.

37 (r) There is no filing fee for a petition, response, or paper seeking
38 the reissuance, modification, or enforcement of a protective order
39 filed in a proceeding brought pursuant to this section.

1 (s) Pursuant to paragraph (4) of subdivision (b) of Section
2 6103.2 of the Government Code, a petitioner shall not be required
3 to pay a fee for law enforcement to serve an order issued under
4 this section.

5 (t) The prevailing party in an action brought under this section
6 may be awarded court costs and attorney's fees, if any.

7 (u) (1) A person subject to a protective order under this section
8 shall not own, possess, purchase, receive, or attempt to receive a
9 firearm or ammunition while the protective order is in effect.

10 (2) The court shall order a person subject to a protective order
11 issued under this section to relinquish any firearms he or she owns
12 or possesses pursuant to Section 527.9 of the Code of Civil
13 Procedure.

14 (3) Every person who owns, possesses, purchases, or receives,
15 or attempts to purchase or receive a firearm or ammunition while
16 subject to a protective order issued under this section is punishable
17 pursuant to Section 29825 of the Penal Code.

18 (4) This subdivision does not apply in a case in which a
19 protective order issued under this section was made solely on the
20 basis of financial abuse unaccompanied by force, threat,
21 harassment, intimidation, or any other form of abuse.

22 (v) Any willful disobedience of any temporary restraining order
23 or restraining order after hearing granted under this section is
24 punishable pursuant to Section 273.6 of the Penal Code.

25 (w) This section does not apply to any action or proceeding
26 governed by Title 1.6C (commencing with Section 1788) of Part
27 4 of Division 3 of the Civil Code, by Chapter 3 (commencing with
28 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
29 or by Division 10 (commencing with Section 6200) of the Family
30 Code. Nothing in this section shall preclude a petitioner's right to
31 use other existing civil remedies.

32 (x) The Judicial Council shall develop forms, instructions, and
33 rules relating to matters governed by this section. The petition and
34 response forms shall be simple and concise, and their use by parties
35 in actions brought pursuant to this section shall be mandatory.